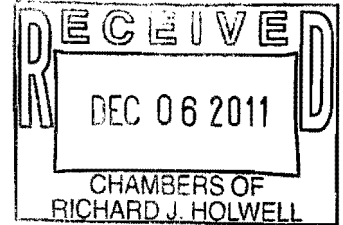


**ZETLIN DE CHIARA LLP**

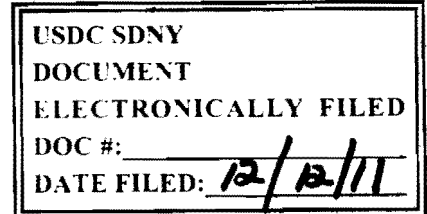
Counselors at Law



December 5, 2011

Via Facsimile Only (212) 805-7948

Hon. Richard J. Holwell  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312



Re: *Jose Moreno and Mohammed Nazim Kalil. v. 194 East Second Street, LLC*  
Case No. 10 CV 7458 (RJH)

Honorable Sir:

This firm is counsel to 194 East Second Street, LLC, the Defendant in the above action. I write to request an extension of the December 7, 2011 deadline for completion of discovery until January 20, 2012. As described herein, the additional time is required solely as a result of new information obtained during Plaintiffs' depositions that should have been, but was not, previously disclosed in Plaintiffs' interrogatory and document responses. Plaintiffs' counsel, Craig Stuart Lanza, Esq., has no objection to this requested extension.

As you are aware from our previous correspondence seeking the Court's assistance in obtaining properly demanded discovery,<sup>1</sup> Plaintiffs claim to have worked for Defendant thirteen hours a day, seven days a week over a period of approximately nine years without receiving overtime or spread of hours pay. In response to Defendant's interrogatories and document demands, Plaintiffs alluded to the fact that during this same period of time, they were also employed at another location. However, for the first time during his deposition, Plaintiff Kalil identified an additional three employers for whom he also worked as a superintendent during this same period. During their deposition, Plaintiffs also identified a number of other individuals who had relevant information about their work activities during the relevant period but whose names and contact information had not previously been furnished in interrogatory responses.

Since learning of this information at Kalil's November 18<sup>th</sup> deposition, and even without the benefit of Plaintiffs' deposition transcripts, this office has endeavored to locate and subpoena these newly identified corporate employers, with limited success. We are also waiting

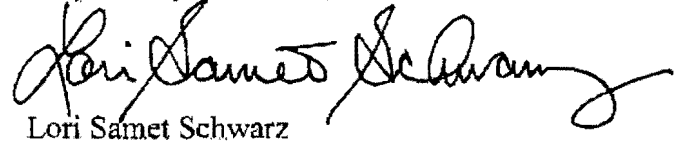
<sup>1</sup> An extension of the initial September 30, 2011 discovery cutoff was directed by the Court following an October 6, 2011 conference to address these issues.

Hon. Richard J. Holwell  
December 5, 2011  
Page 2

for Plaintiffs to furnish contact information for certain other individuals they identified in order to serve them with subpoenas. Defendant will be severely prejudiced if it is unable to obtain this additional discovery, which is directly relevant to Plaintiffs' wage claims, and which was not timely disclosed to Defendant in demands served on May 27, 2011. Given the upcoming holidays, and counsel's other commitments in early January, we believe this additional six weeks is warranted in order to complete discovery.


Thank you for your consideration.

Respectfully submitted,

  
Lori Samet Schwarz

cc: Craig Stuart Lanza, Esq.

Extension to January 20, 2012  
is granted. No further  
extensions. The conference  
scheduled for December  
9, 2011 is adjourned to  
January <sup>13</sup>~~20~~, 2012 at 10:30 a.m.

  
**RICHARD J. HOLWELL**  
**UNITED STATES DISTRICT JUDGE**  
12/9/11